



Council of the European Union
General Secretariat

Brussels, 12 June 2019

WK 7219/2019 INIT

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WORKING PAPER

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From:	Presidency
To:	Delegations
Subject:	Guidelines on temporary arrangements for disembarkation

Delegations will find in Annex the progress report on the debate, initiated by the Presidency in February 2019, on temporary arrangements for disembarkation. The Guidelines have been drawn up by the Presidency on the basis of the discussions by JHA Ministers (informal meeting on 7 February), at SCIFA (informal meeting on 13 March), at the JHA Counsellors meeting (14 May) as well as by Ambassadors at several occasions.

The Guidelines are based on best practices used in previous disembarkation cases, and rely on a coordinating role of the Commission and support by relevant agencies. The framework is of a temporary nature and the participation of the Member States is on a voluntary basis.

This document has a non-binding nature.

Guidelines on temporary arrangements for disembarkation

I. Main objectives and principles

The following main objectives and principles are applicable to Temporary Arrangements (TA):

- TA are based on shared efforts, voluntary contributions by Member States and EU support
- the aim of TA is, on the basis of identified best practices, to streamline the handling of disembarkations
- TA operate within the existing national, EU and international legal framework
- TA should not release Member States from their existing legal obligations or otherwise affect these obligations
- TA have been developed in parallel and are without prejudice to ongoing work to reform the asylum legislation and in particular the Dublin Regulation
- the arrangements are temporary by nature, and therefore limited in time.

II. Circumstances for triggering TA:

a) type of arrivals covered

- a search and rescue operation; and/or
- other sea arrivals where there is a humanitarian ground at stake;

b) situation of the Member State where disembarkation takes place

- Member State of disembarkation is under pressure; or
- cases of pressing humanitarian concerns;
- Member State triggering the request explains its request, for example, the humanitarian reasons;

c) general expression of willingness that leads to commitment by Member States ready to relocate persons and/or provide other types of support

- participation on a voluntary basis;
- upstream indication by Member States of general willingness to participate;
- without prejudice to Member States' existing obligations under Dublin and under the return directive;
- possibility for Member States to join in at any point in time;
- types of specific support measures by participating Member States may include:
 - relocation;
 - external borders support;
 - experts, financial support and/or infrastructural support directly or through relevant EU agencies *inter alia* for registration of migrants, security checks, processing of applications, return procedure;

d) request by the Member State concerned

The request should include:

- specific needs and support required;
- corresponding actions and measures to be undertaken by the requesting Member State;
- indication of particular cases and/or the number of asylum applicants where/for which the requesting Member State would remain responsible.

III. Structure and tasks of the supportive platform for operational coordination

- coordinated by the Commission;
- participants: Commission, the Presidency, the requesting Member State, participating Member States, relevant EU agencies, Council Secretariat;
- identification of gaps in response, analysis and evaluation of TA through interaction with IPCR;
- debriefing of all Member States at regular intervals;
- operational coordination meetings on the ground in the Member State of disembarkation;
- coordination with UNHCR/IOM, as appropriate.

IV. Workflow in the Member State of disembarkation

The following procedural steps should be undertaken in the Member State of disembarkation, where appropriate with the assistance from EU agencies, and where relevant with the involvement of the Member State of relocation, in agreement with the benefitting Member State:

- 4.1. **Initial identification, registration, fingerprinting and swift security screening:** *Registration* and fingerprinting of all arriving migrants as category 2 in Eurodac system; *check* against national and EU information systems (such as Eurodac, SIS, VIS, Europol and Interpol databases) to ensure that none of the persons arriving to the EU is a threat to public policy, internal security or public health
- 4.2. Assessment regarding possible use of **alternatives** to detention or **detention**, on a case by case basis, pending further processing (in the context of border procedure, where possible, or otherwise)
- 4.3. **Preliminary processing**, including provision of information to persons at the point of disembarkation, with a view to channelling persons to the relevant procedure, interview, including for security purposes and matching
- 4.4. **Registration** of all those who **claim international protection**, including registration in Eurodac as category 1, **interview and matching**

- 4.5. **Lodging of the application for international protection**
- 4.6. Considering existing **responsibility criteria under Dublin**
- 4.7. Preparation of the **relocation file** and sending it to Member State of relocation
- 4.8. **Reply** by Member State of relocation and consent by the applicant [matching]
- 4.9. **Fit to travel** check, organisation of the **transfer** and transfer.

V. Composition of the relocation pool

Given the voluntary nature of participation in the mechanism, determination of persons to be relocated will be based on the indications by the Member States of relocation of the profiles that these Member States are willing to accept (**variable geometry**).

VI. Support provided by agencies where relevant upon request by the Member State concerned

- a) **EASO**
 - development of relocation matching criteria on the basis of transparent methodology and objective criteria (developed jointly with the Member State concerned) and preparation of selection/matching lists for Member States;
 - support for registration of applicants;

- information provision to the applicants, pre-registration for relocation, preparation of the files and applicant's consent, interviews, and cultural mediation;
- support to participating Member States delegations' missions - logistics, coordination and cultural mediation and back office support;
- conducting selection missions on behalf of certain Member States;
- with the involvement of the Member State concerned, channelling of applicants to the relevant procedure, coordination of the relocation process.

b) EBCGA

- assist in the registration process of irregular migrants;
- help national authorities in collecting fingerprints and determine the nationality of migrants during screening interviews;
- provide assistance in screening, debriefing, identification and fingerprinting;
- deploy Return Teams (composed of escort, forced return monitor and/or return specialists);
- support coordination at a technical and operational level return-related activities of the Member State concerned, including voluntary departures;
- organise and coordinate return operations (including through the chartering of aircraft) and provide support with voluntary departures in cooperation with the Member States.

c) EUROPOL

- support in security screening.

VII. Support provided by UNHCR / IOM

Provide complementary support and assistance in all activities under this TA, according with their mandate, at the request of the Member State of disembarkation and/or the Member States of relocation, where applicable.

VIII. Financial support

Under the AMIF Regulation, funds are to be made available for:

- Member States that relocate voluntarily (a lump sum of 6000 EUR per applicant, applying the amended Article 18 of the AMIF Regulation 516/2014);
- support to return operations;
- Member States under pressure, as appropriate, including the possibility of a lump sum per relocation to cover transfer costs.

When MS make full use of the lump sums available under the national programmes, additional financial support could be provided.

IX. Keeping under review

The review of the temporary arrangements could be considered.